

MINUTES OF MEETING  
RUSH RIVER WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
JULY 21, 2015

The Rush River Water Resource District met on July 21, 2015, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Raymond Wolfer, Chairman; William A. Hejl, Manager; Richard Sundberg, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Brenda Lovgren, Administrative Assistant; Sean Fredricks, Attorney for the Board; Mike Opat, Engineer for the Board; David Strand and Lloyd Knight, Amenia Township residents; and Loren Richards, Harwood Township property owner.

**Minutes**

It was moved by Manager Sundberg, seconded by Manager Wolfer and unanimously carried to approve the minutes of the June 16, 2015, meeting.

**Legal drain crossings at I-29**

Mike Opat reported that the North Dakota Department of Transportation (NDDOT) is installing culverts through the legal drain crossings at I-29. Construction began prior to notifying the Water Resource District. The NDDOT provided plans to Moore Engineering, Inc. and propose more than enough capacity for water flow to comply with Water Resource District and the State of North Dakota standards. Moore Engineering, Inc. will monitor progress of the project and verify once work is complete.

**Rush River Watershed Detention Study**

Mr. Opat updated the Board regarding the Rush River Watershed Detention Study. The Red River Retention Authority received and approved 20 applications for the detention studies through the Regional Conservation Partnership Program (RCPP). Costs are not eligible for funding until agreements are in place with the Natural Resources Conservation Service (NRCS). The NRCS requires a cost benefit analysis for each project. The Cass County Joint Water Resource District took action to prioritize and move forward with the application for RCPP funding for the Swan Creek Watershed. Applications were also submitted for the Upper Maple River Watershed and the Rush River Watershed.

Manager Hejl was now present at the meeting.

**Approve the Pledges of Assets**

It was moved by Manager Hejl and seconded by Manager Sundberg to approve the following Pledge of Assets:

Alerus Financial (as per agreement of March 7, 1996)

Upon roll call vote, the motion carried unanimously.

**Cleanout of the Lower Rush River from the outlet, west 5 miles**

Mr. Opat reviewed a plan and profile for the proposed cleanout of the Lower Rush River from the outlet, west 5 miles. The Board discussed borrowing \$150,000 over a 3-year term to fund the cost of the project. The Board directed Mr. Opat to develop a cost estimate for the project before a final decision is made.

Mr. Opat received hydraulics reports from the Cass County Engineer relating to the crossing between the SE 1/4 of Section 32 and the SW 1/4 of Section 33 in Harwood Township. The crossing previously consisted of a 61' span bridge with approximately 850 square feet of opening. The bridge was replaced with two 9' x 10' box culverts sized for a 15-year event. The box culverts provide 216 square feet of opening and meet the state stream crossing standards. The Board tabled the matter until the impact of the Metro Flood Diversion Project is known.

**Drain No. 2 Channel Improvement Project No. 2015-01**

Mr. Opat reviewed the bid tabulation and the *Engineer's Opinion of Probable Cost* for the Drain No. 2 Channel Improvement Project No. 2015-01. Ten bids were received. Cost-share has been approved through the State Water Commission for the project.

It was moved by Manager Hejl and seconded by Manager Sundberg to award the contract for Drain No. 2 Channel Improvement Project No. 2015-01 to Adelman Concrete & Excavating, Inc. for the low bid of \$119,598.94. Upon roll call vote, the motion carried unanimously.

**Drain #52 – drop structure east of State Highway 18**

The North Dakota Department of Transportation (NDDOT) denied the request for cost-share on the drop structure on Drain #52, east of State Highway 18. Moore Engineering, Inc. will prepare a cost estimate for review at the next meeting. The project may be delayed until next year, due to lack of funding.

**Drain #52 – tree removal**

It was moved by Manager Hejl and seconded by Manager Sundberg to authorize Moore Engineering, Inc. to hire a contractor to remove trees from Drain #52 in Section 6 of Harmony Township, not to exceed \$5,200. Upon roll call vote, the motion carried unanimously.

**Rush River – Texas crossing between Sections 10 and 11 in Raymond Township**

Mr. Opat reported to the Board that the alignment of the Texas crossing between Sections 10 and 11 in Raymond Township is different than the drain alignment. Brady Woodard will inspect the crossing and report back to the Board.

**Application to Install a Subsurface Drain #20158 for Loren Richards in the W 1/2 of Section 4 in Harwood Township**

The Board reviewed *Application to Install a Subsurface Drain No. 20158* dated July 14, 2015, for Loren Richards. Mr. Richards was present to discuss the project. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the “statewide” elements; therefore, the Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer’s Office to consider and approve). Under the application, Applicant seeks to install a drain tile system in the W 1/2 of Section 4 in Harwood Township, Cass County, North Dakota. The project will include two gravity outlets that will discharge directly into Cass County Drain #13. The Rush River Water Resource District owns and operates that portion of Drain #13 on the W 1/2 of Section 4.

Mike Opat recommended that the Board require Applicant to install and maintain erosion protection to protect Drain #13. Because the proposed project will discharge directly into Drain #13, the application did not require a *Thirty-Day Notice* under N.D. Cent. Code Section 61-32-03.1, and the Board cannot require Applicant to obtain any flowage easements from downstream landowners.

According to records on file with the Cass County Recorder’s Office, Loren Richards owns all of those portions of the W 1/2 of Section 4 in Harwood Township.

It was moved by Manager Hejl and seconded by Manager Sundberg to approve a *Utility Permit* to permit Applicant to discharge into Drain #13, and to approve *Application to Install a Subsurface Drain No. 20158* dated July 14, 2015, for Loren Richards in the W 1/2 of Section 4 in Harwood Township, subject to the following conditions:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant provide and maintain adequate erosion protection at any and all outlets into Drain #13 (Applicant is solely responsible for any damages to Drain #13 as a result of the tile project);
- 3) That Applicant notify the Rush River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicant notify the Rush River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 5) That Applicant must close all outlets during flood occurrences, as necessary to protect Drain #13, or under conditions that may cause adverse

impacts to downstream landowners, as determined by the Rush River Water Resource District;

6) That Applicant obtain an approved *Utility Permit* from the Rush River Water Resource District regarding any and all outlets into Drain #13; and

7) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

#### **2016 budget and 2015 maintenance levy assessments**

It was moved by Manager Hejl and seconded by Manager Sundberg to approve the 2016 budget and 2015 maintenance levy assessments. Upon roll call vote, the motion carried unanimously.

#### **Bills**

It was moved by Manager Hejl and seconded by Manager Sundberg to approve payment of Checks #4062 through #4070, and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Wolfer, Hejl and Sundberg. The Chairman declared the motion passed.

#### **Adjournment**

There being no further business for the Board to consider, it was moved by Manager Hejl, seconded by Manager Sundberg and unanimously carried to adjourn the meeting.

APPROVED:

---

Raymond Wolfer  
Chairman

ATTEST:

---

Carol Harbeke Lewis  
Secretary-Treasurer